

Program Proposed Budget									
Budget Item	Base Budget Fiscal 2000	PL Adjustment Fiscal 2002	Base New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	PL Adjustment Fiscal 2003	Base New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Exec. Budget Fiscal 02-03	
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00	
Personal Services	129,908	2,523	0	132,431	3,423	0	133,331	265,762	
Operating Expenses	40,983	7,720	0	48,703	8,187	0	49,170	97,873	
Total Costs	\$170,891	\$10,243	\$0	\$181,134	\$11,610	\$0	\$182,501	\$363,635	
General Fund	0	0	0	0	0	0	0	0	
State/Other Special	170,891	10,243	0	181,134	11,610	0	182,501	363,635	
Total Funds	\$170,891	\$10,243	\$0	\$181,134	\$11,610	\$0	\$182,501	\$363,635	

Agency Description

The Office of the Appellate Defender is an agency administratively attached to the Department of Administration. The Appellate Defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The Appellate Defender provides legal counsel for indigent persons who have been convicted and who then appeal district court convictions, or who petition for post-conviction relief from district court proceedings. The Appellate Defender also aids the commission by compiling and maintaining a current roster of Montana attorneys who are eligible to serve as trial and appellate defense counsel for the indigent if appointed by an appropriate court.

Biennium Budget Comparison								
Budget Item	Present Law Fiscal 2002	New Proposals Fiscal 2002	Total Exec. Budget Fiscal 2002	Present Law Fiscal 2003	New Proposals Fiscal 2003	Total Exec. Budget Fiscal 2003	Total Biennium Fiscal 00-01	Total Exec. Budget Fiscal 02-03
FTE	3.00	0.00	3.00	3.00	0.00	3.00	0.00	3.00
Personal Services	132,431	0	132,431	133,331	0	133,331	272,465	265,762
Operating Expenses	48,703	0	48,703	49,170	0	49,170	90,853	97,873
Total Costs	\$181,134	\$0	\$181,134	\$182,501	\$0	\$182,501	\$363,318	\$363,635
General Fund	0	0	0	0	0	0	0	0
State/Other Special	181,134	0	181,134	182,501	0	182,501	363,318	363,635
Total Funds	\$181,134	\$0	\$181,134	\$182,501	\$0	\$182,501	\$363,318	\$363,635

Funding

The agency is funded entirely from the district court criminal reimbursement state special revenue account, which derives revenue from taxes and fees collected on light vehicles.

Present Law Adjustments									
-----Fiscal 2002-----					-----Fiscal 2003-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				2,523					3,423
Vacancy Savings				0					0
Inflation/Deflation				585					1,023
Fixed Costs				885					914
Total Statewide Present Law Adjustments				\$3,993					\$5,360
DP 1 - Appellate Defender Travel									
0.00	0	3,600	0	3,600	0.00	0	3,600	0	3,600
DP 2 - Appellate Defender Contracted Services									
0.00	0	2,650	0	2,650	0.00	0	2,650	0	2,650
Total Other Present Law Adjustments									
0.00	\$0	\$6,250	\$0	\$6,250	0.00	\$0	\$6,250	\$0	\$6,250
Grand Total All Present Law Adjustments									\$11,610

Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget included in the executive present law. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items will be applied globally to all agencies. A description of each item is included in the "Agency Budget Analysis Roadmap" section that begins this volume. The other numbered adjustments in the table correspond to the narrative descriptions.

LFD COMMENT

This agency has less than 20 FTE; the personal services requests, therefore, are fully funded. Statewide adjustments for personal services reflect increases of roughly 2 percent from the base, and yet are roughly 2 percent less than the amount approved for the base by the 1999 legislature. The primary reason that the request is less than the amount authorized by the 1999 legislature is that staff turnover during the base year meant that positions were filled at lower salary levels.

DP 1 - Appellate Defender Travel - This request would fund travel and training costs that would allow two attorneys to attend three out-of-state training seminars dealing with topics relevant to appeal defense, such as: 1) appellate defense; 2) death penalty cases; and 3) habeas corpus actions. The training would provide continuing legal education to help attorneys maintain the qualifications necessary to perform the duties of the office.

DP 2 - Appellate Defender Contracted Services - This request would fund an increase in contracted services for expert witnesses as well as a fund the services of a private investigator for current and anticipated court cases, one of which is a death penalty case.